

**REMARKS**

Claims 1-23 are pending in this application. Reconsideration in view of the following remarks is respectfully requested. Unless otherwise indicated in the remarks set forth below, the amendments to the claims are made for the purpose of correcting informalities and/or to more clearly define the claimed invention, and are not made for the purpose of overcoming the cited art.

**Interview**

At the outset, Applicant's representative thanks the Examiner and his supervisor for the courtesies extended during the interview conducted on May 22, 2003. Applicant thanks the Examiner for his careful consideration of the arguments presented during the interview and his acknowledgement that the applied references cannot be interpreted to apply to all the claims (see, Interview Summary of May 22, 2003). However, Applicant respectfully submits all claims are allowable over the applied references, when the references are properly interpreted. Applicant has provided arguments detailing the defects of the applied art in the following sections. Accordingly, Applicant respectfully requests that the Examiner reconsider his position in the Interview Summary and indicate the all claims are allowable over the applied references.

### **Drawings**

The previously submitted Request for Approval of Drawing Amendment was not indicated as approved. However, Applicant has provided a new Request for Approval of Drawing Amendment including the changes previously noted and a correction of “swiched” to “switched” in block S104 in Fig. 4. Accordingly, the Applicant respectfully requests the Examiner to consider and approve the Drawing Amendment.

### **35 U.S.C. §§ 102 & 103 Rejections**

Claims 1-23 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Chaney (U.S. Patent No. 5, 841,433). Applicant respectfully traverses each of these rejections for at least the following reasons. The Examiner has alleged that Chaney discloses every feature of Applicant’s claimed combinations. However, Applicant respectfully submits that Chaney fails to teach every feature of Applicant’s claimed combinations as alleged. For example, in regard to Claim 1, the Examiner relies on Fig. 8 and col. 8, lines 30-60 as disclosing the claimed “determining a channel information of being changed.” However, in contrast to the Examiner’s allegation, this portion of the patent discloses only a conventional demodulator as discussed in column 8, lines 24-29. The text at col. 8, lines 30-60 cited by the Examiner follows:

Tuner 834 receives an input signal from antenna dish 805. Based upon a user's channel selection, a control unit 806 (i.e., a microprocessor) sends a frequency signal to tuner 834. This signal causes tuner 834 to tune to the appropriate channel and to downconvert the received signal in frequency in response to the tuning frequency signal sent to tuner 834 from microprocessor 806. An output signal from tuner 834 is provided to QPSK demodulator 835.

QPSK demodulator 835 locks onto (synchronizes with) the tuned channel, demodulates the modulated data signal, and generates a signal indicative of the quality of the demodulated signal. Demodulator 835 demodulates the modulated input data signal regardless of the error correction code rate of the received data signal. Phase-locked loop circuitry in demodulator 835 synchronizes the operation of demodulator 835 with the input signal using well-known techniques. Demodulator 835 generates a Demodulator Lock output control signal that indicates whether or not demodulator 835 is synchronized with the input signal, and supplies this signal to a storage register in microprocessor 806. An output demodulated data signal from unit 835 is provided to Viterbi decoder 836. Demodulator 835 also generates an output Signal Quality signal, which is indicative of the quality of the signal received from the satellite transmission, and is related to the signal-to-noise ratio of the received signal. Various sources of noise, as well as rain fade, may impair the quality of a received signal. A QPSK demodulator suitable for use as unit 835 is commercially available from Hughes Network Systems of Germantown, Md. (integrated circuit type No. 1016212), and from Comstream Corp., San Diego Calif. (No. CD2000).

As clearly discussed in the cited section above, only channel tuning is discussed. There is no disclosure or suggestion of "determining a channel information of being changed," as alleged by the Examiner.

Further, the Examiner relies on Fig. 9 that teaches storing the changed channel information every thirty minutes. However, the Examiner has apparently equated the Master

Program Guide (MPG) taught by Chaney with the channel information of the present invention. Applicant respectfully submits that this relationship is inappropriate. Regarding the MPG, Chaney specifically discloses in column 3, lines 30-47 the following (with emphasis added).

The television program selection information comprises a set of data known as a **Master Program Guide (MPG), which relates television program titles, their start and end times, a virtual channel number to be displayed to the user, and information allocating virtual channels to transponder frequencies and to a position in the time-multiplexed data stream transmitted by the particular transponder.** In a system according to the subject invention, it is not possible to tune any channel until the first master program guide is received from the satellite, because the receiver literally does not know where any channel is located, in terms of frequency and position (i.e. data time slot) within the data stream of any transponder. Advantageously, the system is totally flexible in that any program may be assigned, or reassigned at any master program guide transmission time, to any transponder or data time slot, in a fashion which is completely transparent to the user, who sees only **the unchanged program title and virtual channel.**

As explicitly taught by Chaney, the MPG does not add or delete channels, but instead provides program schedule information to an unchanged virtual channel. The only channel related information in Chaney is directed to reassigning "virtual channels to transponder frequencies and to a position in the time-multiplexed data stream transmitted by the particular transponder," as noted in the above-referenced section of Chaney.

As stated in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claim” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Chaney reference applied by the Examiner neither expressly nor inherently describes every feature of Applicant's claimed combinations as detailed in the foregoing arguments. As discussed above, Fig. 8 does not teach the “determining” step as alleged by the Examiner. Further, Fig. 9 only discloses changing program guide information. Therefore, Applicant respectfully submits that the applied reference does not anticipate Applicant's claimed combinations as alleged by the Examiner.

The remaining independent claims (i.e., claims 9 and 18) recite related subject matter to the above-identified independent claims, and are therefore allowable for reasons similar to those given above.

The dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP ' 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination. For instance, regarding claim 5 and related claims 12 and 20, the Examiner has alleged that column 6, lines 36-67 of the Chaney patent teaches the claimed features.

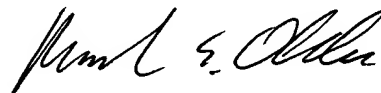
However, this section of the patent fails to disclose or suggest any aspect of the determining whether a repeater has been switched. Instead, this section of the Chaney patent teaches only to check the program guide information during the valid lifetime to see if an unscheduled change (e.g., a sporting event going into overtime) in the television programming has occurred.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-23 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Mark E. Olds, at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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